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SCOTTISH STATUTORY INSTRUMENTS

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**2018 No. 141**

**The Local Government Pension  
Scheme (Scotland) Regulations 2018**

**PART 1**

**Membership, contributions and benefits**

*Survivor benefits*

**Death grants: active members**

**38.**—(1) If an active member dies before attaining the age of 75, the appropriate administering authority shall pay a death grant.

(2) The administering authority may, at its absolute discretion, pay the death grant to or for the benefit of the member's nominee, personal representatives or any person appearing to the authority to have been a relative or dependent of the member.

(3) The death grant is the amount of 3 times the member's annual assumed pensionable pay calculated in accordance with regulation 21(4) or, as appropriate, regulation 21(9), as at the date of the member's death or, if higher, the aggregate of the amount of any death grant payable under regulation 41 (death grants: deferred members and pension credit members) and the amount of any death grant payable under regulation 44 (death grants: pensioner members).

**Survivor benefits: partners of active members**

**39.**—(1) If an active member dies leaving a surviving spouse, civil partner or cohabiting partner, that person is entitled to a pension which shall come into payment on the day following the member's death.

(2) The appropriate administering authority shall close the active member's pension account and shall open a survivor member's pension account from the day following the member's death.

(3) The opening balance of the survivor member's pension account is the amount of pension payable to the survivor calculated in accordance with paragraph (4).

(4) The amount of a pension payable under paragraph (3) is calculated by adding together the amounts in sub-paragraphs (a) and (b)—

(a) the pension that the member would have been entitled to draw [<sup>F1</sup>, excluding any final guarantee amount under regulation 4B or 4C of the Transitional Provisions and Savings Regulations 2014,] if—

- (i) the member had been entitled to draw a pension on the date of the member's death;
- (ii) the pension the member would have been able to draw on that date had not been subject to any restriction on the age at which it could be drawn, or actuarial adjustment either relating to the age at which it was drawn or following a Scheme pays election;

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- (iii) the pension excluded [<sup>F2</sup>any] additional pension purchased under regulation 16 (additional pension contributions) and any additional pension awarded under regulation 30 (award of additional pension);
- (iv) the member's earned pension had accrued at a rate of 1/160th of pensionable pay; [<sup>F3</sup>and]
- (v) the amount of any earned pension credited under regulation 96(1) (effect of acceptance of transfer value) had been multiplied by 49/160; <sup>F4</sup>...

<sup>F5</sup>(vi) .....

- (b) a sum equivalent to 1/160th of the member's annual assumed pensionable pay calculated in accordance with regulation 21(4) or, as appropriate, regulation 21(9), as at the date of the member's death, for each year or fraction of a year between the date of the member's death and the member's normal pension age.

(5) Additional pension purchased under regulation 16 is not excluded for the purposes of paragraph (4)(a)(iii) where the member has elected to purchase that additional pension to cover the amount of pension which would otherwise have accrued but for—

- (a) an absence from work with no pensionable pay in consequence of a trade dispute; or
- (b) an absence from work with permission with no pensionable pay, otherwise than because of—
  - (i) illness or injury;
  - (ii) child related leave; or
  - (iii) reserve forces special leave.

(6) The balance in the survivor member's pension account at the end of the Scheme year in which the survivor member's account was opened is adjusted at the beginning of the following Scheme year by the revaluation adjustment applicable to the Scheme year in which the survivor member's account was opened, in accordance with guidance issued by the Scottish Ministers.

(7) The revalued balance calculated under paragraph (6) is the opening balance of the survivor member's pension account for the following Scheme year and, thereafter, the balance in the account is adjusted each year by the index rate adjustment from the date that an increase would apply if that balance were a pension in payment to which the Pensions (Increase) Act 1971 <sup>M1</sup> applied.

(8) If there is more than one surviving spouse, they become jointly entitled in equal shares under paragraph (1).

**Textual Amendments**

- F1** Words in reg. 39(4)(a) inserted (1.10.2023) by [The Local Government Pension Scheme \(Remediable Service\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/240\)](#), regs. 1(2), **3(4)(a)**
- F2** Word in reg. 39(4)(a)(iii) inserted (with effect from 1.6.2018) by [The Local Government Pension Scheme \(Miscellaneous Amendments\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/161\)](#), regs. 1(2), **2(19)**
- F3** Word in reg. 39(4)(a) inserted (1.10.2023) by [The Local Government Pension Scheme \(Remediable Service\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/240\)](#), regs. 1(2), **3(4)(b)**
- F4** Word in reg. 39(4)(a)(v) omitted (1.10.2023) by virtue of [The Local Government Pension Scheme \(Remediable Service\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/240\)](#), regs. 1(2), **3(4)(c)**
- F5** Reg. 39(4)(a)(vi) omitted (1.10.2023) by virtue of [The Local Government Pension Scheme \(Remediable Service\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/240\)](#), regs. 1(2), **3(4)(d)**

**Marginal Citations**

- M1** 1971 c.56.

**Survivor benefits: children of active members**

40.—(1) If an active member dies leaving one or more eligible children, they are entitled to a children's pension which shall come into payment on the day following the member's death.

(2) If a pension is payable to a partner of an active member under regulation 39(1), the appropriate administering authority shall open a survivor member's pension account for the eligible child or children from the day following the member's death.

(3) The opening balance of a survivor member's pension account opened under paragraph (2) is the amount of pension payable to the eligible child or children calculated in accordance with paragraph (4) or (5), but if the pension payable under regulation 39(1) ceases to be paid, the pension payable to the eligible child or children is recalculated in accordance with paragraph (9) or (10) as from the day following the date the pension under regulation 39(1) ceased to be paid.

(4) The amount of pension payable under paragraph (3) where there is only one such child is calculated by adding together the amounts in sub-paragraphs (a) and (b)—

- (a) the pension that the member would have been entitled to draw [<sup>F6</sup>, excluding any final guarantee amount under regulation 4B or 4C of the Transitional Provisions and Savings Regulations 2014,] if—
  - (i) the member had been entitled to draw a pension on the date of the member's death;
  - (ii) the pension the member would have been able to draw on that date had not been subject to any restriction on the age at which it could be drawn, or actuarial adjustment relating to the age at which it was drawn, or following a Scheme pays election, or any pension debit applied on account of a pension sharing order;
  - (iii) the pension excluded any additional pension purchased under regulation 16 (additional pension contributions) and any additional pension awarded under regulation 30 (award of additional pension);
  - (iv) the member's earned pension had accrued at a rate of 1/320th of pensionable pay; [<sup>F7</sup>and]
  - (v) the amount of any earned pension credited under regulation 96(1) (effect of acceptance of transfer value) had been multiplied by 49/320; <sup>F8</sup>...
  - <sup>F9</sup>(vi) .....
- (b) a sum equivalent to 1/320th of the member's annual assumed pensionable pay calculated in accordance with regulation 21(4) or, as appropriate, regulation 21(9), as at the date of the member's death, for each year or fraction of a year between the date of the member's death and the member's normal pension age.

(5) The amount of pension payable under paragraph (3) where there is more than one such child, is calculated by adding together the amounts in sub-paragraphs (a) and (b), and is payable to those children in equal shares—

- (a) the pension that the member would have been entitled to draw [<sup>F10</sup>, excluding any final guarantee amount under regulation 4B or 4C of the Transitional Provisions and Savings Regulations 2014,] if—
  - (i) the member had been able to draw a pension on the date of the member's death;
  - (ii) the pension the member would have been able to draw on that date had not been subject to any restriction on the age at which it could be drawn, or actuarial reduction relating to the age at which it was drawn or following a Scheme pays election or any pension debit applied on account of a pension sharing order;

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- (iii) the pension excluded any additional pension purchased under regulation 16 (additional pension contributions) and any additional pension awarded under regulation 30 (award of additional pension);
- (iv) the member's earned pension had accrued at a rate of 1/160th of pensionable pay; <sup>F11</sup>and]
- (v) the amount of any earned pension credited under regulation 96(1) (effect of acceptance of transfer value) had been multiplied by 49/160; <sup>F12</sup>...

<sup>F13</sup>(vi) .....

- (b) a sum equivalent to 1/160th of the member's annual assumed pensionable pay calculated in accordance with regulation 21(4) or, as appropriate, regulation 21(9), as at the date of the member's death, for each year or fraction of a year between the date of the member's death and the member's normal pension age.

(6) At the point at which the number of eligible children is reduced to one, if a pension is still payable to a surviving partner under regulation 39(1), the pension payable to that eligible child is recalculated in accordance with paragraph (4) as from the day following the date the other eligible child's or children's pension ceased to be paid.

(7) If, on the day following the member's death, no pension is payable to a partner of an active member under regulation 39(1), the appropriate administering authority shall close the active member's pension account and shall open a survivor member's pension account for the eligible child or children from the day following the member's death.

(8) The opening balance of a survivor member's pension account opened under paragraph (7) is the amount of pension payable to the eligible child or children, calculated in accordance with paragraph (9) or (10).

(9) The amount of pension payable under paragraph (8) where there is only one such child is calculated by adding together the amounts in paragraphs (a) and (b)—

- (a) the pension that the member would have been entitled to draw <sup>F14</sup>, excluding any final guarantee amount under regulation 4B or 4C of the Transitional Provisions and Savings Regulations 2014,] if—
  - (i) the member had been entitled to draw a pension on the day the member died;
  - (ii) the pension the member would have been able to draw on that date had not been subject to any restriction on the age at which it could be drawn, or actuarial adjustment relating to the age at which it was drawn or following a Scheme pays election or any pension debit applied on account of a pension sharing order;
  - (iii) the pension excluded any additional pension purchased under regulation 16 (additional pension contributions) and any additional pension awarded under regulation 30 (award of additional pension);
  - (iv) the member's earned pension had accrued at a rate of 1/240th of pensionable pay; <sup>F15</sup>and]
  - (v) the amount of any earned pension credited under regulation 96(1) (effect of acceptance of transfer value) had been multiplied by <sup>F16</sup>49/240; <sup>F17</sup>...

<sup>F18</sup>(vi) .....

- (b) a sum equivalent to 1/240th of the member's annual assumed pensionable pay, calculated in accordance with regulation 21(4) or, as appropriate, regulation 21(9), as at the date of the member's death, for each year or fraction of a year between the date of the member's death and the member's normal pension age.

(10) The amount of pension payable under paragraph (8) where there is more than one such child, is calculated by adding together the amounts in paragraphs (a) and (b), and is payable to those children in equal shares—

(a) the pension that the member would have been entitled to draw [<sup>F19</sup>, excluding any final guarantee amount under regulation 4B or 4C of the Transitional Provisions and Savings Regulations 2014,] if—

- (i) the member had been entitled to draw a pension on the date the member died;
- (ii) the pension the member would have been able to draw on that date had not been subject to any restriction on the age at which it could be drawn, or actuarial adjustment relating to the age at which it was drawn or following a Scheme pays election or any pension debit applied on account of a pension sharing order;
- (iii) the pension excluded any additional pension purchased under regulation 16 (additional pension contributions) and any additional pension awarded under regulation 30 (award of additional pension);
- (iv) the member's earned pension had accrued at a rate of 1/120th of pensionable pay; [<sup>F20</sup>and]
- (v) the amount of any earned pension credited under regulation 96(1) (effect of acceptance of transfer value) had been multiplied by 49/120; <sup>F21</sup> ...

<sup>F22</sup>(vi) . . . . .

(b) a sum equivalent to 1/120th of the member's annual assumed pensionable pay, calculated in accordance with regulation 21(4) or, as appropriate, regulation 21(9), as at the date of the member's death, for each year or fraction of a year between the date of the member's death and the member's normal pension age.

(11) Additional pension purchased under regulation 16 is not excluded for the purposes of paragraphs (4)(a)(iii), (5)(a)(iii), (9)(a)(iii) and (10)(a)(iii) where the member has elected to purchase that additional pension to cover the amount of pension which would otherwise have accrued but for—

- (a) an absence from work with no pensionable pay in consequence of a trade dispute; or
- (b) an absence from work with permission with no pensionable pay, otherwise than because of—
  - (i) illness or injury;
  - (ii) child related leave; or
  - (iii) reserve forces special leave.

(12) At the point at which the number of eligible children is reduced to one, the pension payable to that child is recalculated in accordance with paragraph (9).

(13) The balance in the survivor member's pension account at the end of the Scheme year in which the survivor member's account was opened is adjusted at the beginning of the following Scheme year by the revaluation adjustment applicable to the Scheme year in which the survivor member's account was opened, in accordance with guidance issued by the Scottish Ministers.

(14) The revalued balance calculated under paragraph (13) is the opening balance of the survivor member's pension account for the following Scheme year and, thereafter, the balance in the account is adjusted each year by the index rate adjustment from the date that an increase would apply if that balance were a pension in payment to which the Pensions (Increase) Act 1971 applied.

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### Textual Amendments

- F6** Words in reg. 40(4)(a) inserted (1.10.2023) by The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(5)(a)(i)**
- F7** Word in reg. 40(4)(a) inserted (1.10.2023) by The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(5)(a)(ii)**
- F8** Word in reg. 40(4)(a)(v) omitted (1.10.2023) by virtue of The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(5)(a)(iii)**
- F9** Reg. 40(4)(a)(vi) omitted (1.10.2023) by virtue of The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(5)(a)(iv)**
- F10** Words in reg. 40(5)(a) inserted (1.10.2023) by The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(5)(b)(i)**
- F11** Word in reg. 40(5)(a) inserted (1.10.2023) by The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(5)(b)(ii)**
- F12** Word in reg. 40(5)(a)(v) omitted (1.10.2023) by virtue of The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(5)(b)(iii)**
- F13** Reg. 40(5)(a)(vi) omitted (1.10.2023) by virtue of The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(5)(b)(iv)**
- F14** Words in reg. 40(9)(a) inserted (1.10.2023) by The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(5)(c)(i)**
- F15** Word in reg. 40(9)(a) inserted (1.10.2023) by The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(5)(c)(ii)**
- F16** Word in reg. 40(9)(a)(v) substituted (with effect from 1.6.2018) by The Local Government Pension Scheme (Scotland) (Miscellaneous Amendments) Regulations 2022 (S.S.I. 2022/153), regs. 1, **8(a)**
- F17** Word in reg. 40(9)(a)(v) omitted (1.10.2023) by virtue of The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(5)(c)(iii)**
- F18** Reg. 40(9)(a)(vi) omitted (1.10.2023) by virtue of The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(5)(c)(iv)**
- F19** Words in reg. 40(10)(a) inserted (1.10.2023) by The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(5)(d)(i)**
- F20** Word in reg. 40(10)(a) inserted (1.10.2023) by The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(5)(d)(ii)**
- F21** Word in reg. 40(10)(a)(v) omitted (1.10.2023) by virtue of The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(5)(d)(iii)**
- F22** Reg. 40(10)(a)(vi) omitted (1.10.2023) by virtue of The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(5)(d)(iv)**

### Death grants: deferred members and pension credit members

**41.—**(1) If a deferred member dies before attaining the age of 75, the appropriate administering authority shall pay a death grant.

(2) The administering authority may, at its absolute discretion, pay the death grant to or for the benefit of the member's nominee, personal representatives or any person appearing to the authority to have been a relative or dependent of the member.

(3) The death grant is the amount the member would have been entitled to receive as retirement pension annually [<sup>F23</sup>, excluding any final guarantee amount under regulation 4B or 4C of the Transitional Provisions and Savings Regulations 2014,] if—

- (a) the member had been able to draw a pension on the day the member died; <sup>F24</sup> ...

(b) the pension the member would have been able to draw on that date had not been subject to any restriction on the age at which it could be drawn, or actuarial adjustment relating to the age at which it was drawn, <sup>F25</sup>and]

<sup>F26</sup>(c) it included any deferred guarantee amount calculated under regulation 4N of the Transitional Provisions and Savings Regulations 2014.]

multiplied by 5.

<sup>F27</sup>(3A) In paragraph (3) “deferred guarantee amount” has the meaning given in regulation 4N(3) of the Transitional Provisions and Savings Regulations 2014.]

(4) This regulation applies to pension credit members (including persons entitled to a pension credit who die before the appropriate administering authority awards a pension credit) as it applies to deferred members with the modification that for the amount of death grant calculated under paragraph (3), the amount calculated under paragraph (3)(a) and (b) is multiplied by 5.

#### Textual Amendments

- F23** Words in reg. 41(3) inserted (1.10.2023) by The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(6)(a)(i)**
- F24** Word in reg. 41(3)(a) omitted (1.10.2023) by virtue of The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(6)(a)(ii)**
- F25** Word in reg. 41(3)(b) inserted (1.10.2023) by The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(6)(a)(iii)**
- F26** Reg. 41(3)(c) inserted (1.10.2023) by The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(6)(a)(iv)**
- F27** Reg. 41(3A) inserted (1.10.2023) by The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(6)(b)**

#### Modifications etc. (not altering text)

- C1** Reg. 41 applied (1.10.2023) by The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **6(4)**

### Survivor benefits: partners of deferred members

**42.**—(1) If a deferred member dies leaving a surviving spouse, civil partner or cohabiting partner, that person is entitled to a pension which shall come into payment on the day following the member's death.

(2) The appropriate administering authority shall close the deferred member's pension account and shall open a survivor member's pension account from the day following the member's death.

(3) The opening balance of the survivor member's pension account is the amount of pension payable to the survivor calculated in accordance with paragraph (4).

(4) The amount of a pension payable under paragraph (3) is calculated by adding together the pension that the member would have been entitled to draw <sup>F28</sup>excluding any final guarantee amount under regulation 4B or 4C of the Transitional Provisions and Savings Regulations 2014] if—

- (a) the member had been able to draw a pension on the date the member died;
- (b) the pension the member would have been able to draw on that date had not been subject to any restriction on the age at which it could be drawn, or actuarial adjustment either relating to the age at which it was drawn or following a Scheme pays election;

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- (c) the pension excluded any additional pension purchased under regulation 16 (additional pension contributions) and any additional pension awarded under regulation 30 (award of additional pension);
- (d) the member's earned pension had accrued at a rate of 1/160th of pensionable pay; [<sup>F29</sup>and]
- (e) the amount of any earned pension credited under regulation 96(1) (effect of acceptance of transfer value) had been multiplied by 49/160; <sup>F30</sup> ...

<sup>F31</sup>(f) .....

(5) Additional pension purchased under regulation 16 is not excluded for the purposes of paragraph (4)(c) where the member has elected to purchase that additional pension to cover the amount of pension which would otherwise have accrued but for—

- (a) an absence from work with no pensionable pay in consequence of a trade dispute; or
- (b) an absence from work with permission with no pensionable pay, otherwise than because of—
  - (i) illness or injury;
  - (ii) child related leave; or
  - (iii) reserve forces special leave.

(6) If the member ceased to be an active member, became a deferred member and died all within the same Scheme year, the balance in the survivor member's pension account at the end of the Scheme year in which the survivor member's account was opened is adjusted at the beginning of the following Scheme year by the revaluation adjustment applicable to the Scheme year in which the survivor member's account was opened, in accordance with guidance issued by the Scottish Ministers.

(7) Where—

- (a) paragraph (6) applies, the revalued balance calculated under paragraph (6) is the opening balance of the survivor member's pension account for the following Scheme year;
- (b) paragraph (6) does not apply, the balance under paragraph (3) is the opening balance of the survivor member's pension account for the following Scheme year,

and, thereafter, the balance in the account is adjusted each year by the index rate adjustment from the date that an increase would apply if that balance were a pension in payment to which the Pensions (Increase) Act 1971 <sup>M2</sup> applied.

(8) If there is more than one surviving spouse, they become jointly entitled in equal shares under paragraph (1).

**Textual Amendments**

- F28** Words in reg. 42(4) inserted (1.10.2023) by [The Local Government Pension Scheme \(Remediable Service\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/240\)](#), regs. 1(2), **3(7)(a)**
- F29** Word in reg. 42(4)(d) inserted (1.10.2023) by [The Local Government Pension Scheme \(Remediable Service\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/240\)](#), regs. 1(2), **3(7)(b)**
- F30** Word in reg. 42(4)(e) omitted (1.10.2023) by virtue of [The Local Government Pension Scheme \(Remediable Service\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/240\)](#), regs. 1(2), **3(7)(c)**
- F31** Reg. 42(4)(f) omitted (1.10.2023) by virtue of [The Local Government Pension Scheme \(Remediable Service\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/240\)](#), regs. 1(2), **3(7)(d)**

**Marginal Citations**

- M2** 1971 c.56.



**Survivor benefits: children of deferred members**

43.—(1) If a deferred member dies leaving one or more eligible children, they are entitled to a children's pension which shall come into payment on the day following the member's death.

(2) If a pension is payable to a partner of a deferred member under regulation 42(1) (survivor benefits: partners of deferred members), the appropriate administering authority shall open a survivor member's pension account for the eligible child or children from the day following the member's death.

(3) The opening balance of a survivor member's pension account opened under paragraph (2) is the amount of pension payable to the eligible child or children calculated in accordance with paragraph (4) or (5) but if the pension payable under regulation 42(1) ceases to be paid, the pension payable to the eligible child or children is recalculated in accordance with paragraph (9) or (10) as from the day following the date the pension under regulation 42(1) ceased to be paid.

(4) The amount of pension payable under paragraph (3) where there is only one such child is calculated by adding together the pension that the member would have been entitled to draw [<sup>F32</sup>excluding any final guarantee amount under regulation 4B or 4C of the Transitional Provisions and Savings Regulations 2014] if—

- (a) the member had been entitled to draw a pension on the date the member died;
- (b) the pension the member would have been able to draw on that date had not been subject to any restriction on the age at which it could be drawn, or actuarial adjustment relating to the age at which it was drawn or following a Scheme pays election or any pension debit applied on account of a pension sharing order;
- (c) the pension excluded any additional pension purchased under regulation 16 (additional pension contributions) and any additional pension awarded under regulation 30 (award of additional pension);
- (d) the member's earned pension had accrued at a rate of 1/320th of pensionable pay; [<sup>F33</sup>and]
- (e) the amount of any earned pension credited under regulation 96(1) (effect of acceptance of transfer value) had been multiplied by 49/320; <sup>F34</sup>...

<sup>F35</sup>(f) .....

(5) The amount of pension payable under paragraph (3) where there is more than one such child, is payable to those children in equal shares and is calculated by adding together the pension that the member would have been entitled to draw [<sup>F36</sup>excluding any final guarantee amount under regulation 4B or 4C of the Transitional Provisions and Savings Regulations 2014] if—

- (a) the member had been entitled to draw a pension on the date the member died;
- (b) the pension the member would have been able to draw on the date the member died had not been subject to any restriction on the age at which it could be drawn, or actuarial adjustment relating to the age at which it was drawn or following a Scheme pays election or any pension debit applied on account of a pension sharing order;
- (c) the pension excluded any additional pension purchased under regulation 16 (additional pension contributions) and any additional pension awarded under regulation 30 [<sup>F37</sup>(award of additional pension)];
- (d) the member's earned pension had accrued at a rate of 1/160th of pensionable pay; [<sup>F38</sup>and]
- (e) the amount of any earned pension credited under regulation 96(1) (effect of acceptance of transfer value) had been multiplied by 49/160; <sup>F39</sup>...

<sup>F40</sup>(f) .....

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Local Government Pension Scheme (Scotland) Regulations 2018. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(6) At the point at which the number of eligible children is reduced to one, if a pension is still payable to a surviving partner under regulation 42(1), the pension payable to that eligible child is recalculated in accordance with paragraph (4) as from the day following the date the other eligible child's or children's pension ceased to be paid.

(7) If, on the day following the member's death, no pension is payable to a partner of a deferred member under regulation 42(1), the appropriate administering authority shall close the deferred member's pension account and shall open a survivor member's pension account for the eligible child or children from the day following the member's death.

(8) The opening balance of a survivor member's pension account opened under paragraph (7) is the amount of pension payable to the eligible child or children, calculated in accordance with paragraph (9) or (10).

(9) The amount of pension payable under paragraph (8) where there is only one such child is calculated by adding together the pension that the member would have been entitled to draw [<sup>F41</sup>excluding any final guarantee amount under regulation 4B or 4C of the Transitional Provisions and Savings Regulations 2014] if—

- (a) the member had been entitled to draw a pension on the date the member died;
- (b) the pension the member would have been able to draw on that date had not been subject to any restriction on the age at which it could be drawn, or actuarial adjustment relating to the age at which it was drawn or following a Scheme pays election or any pension debit applied on account of a pension sharing order;
- (c) the pension excluded any additional pension purchased under regulation 16 (additional pension contributions) and any additional pension awarded under regulation 30 (award of additional pension);
- (d) the member's earned pension had accrued at a rate of 1/240th of pensionable pay; [<sup>F42</sup>and]
- (e) the amount of any earned pension credited under regulation 96(1) (effect of acceptance of transfer value) had been multiplied by 49/240; <sup>F43</sup>...

<sup>F44</sup>(f) .....

(10) The amount of pension payable under paragraph (8) where there is more than one such child, is payable to those children in equal shares and is calculated by adding together the pension that the member would have been entitled to draw [<sup>F45</sup>excluding any final guarantee amount under regulation 4B or 4C of the Transitional Provisions and Savings Regulations 2014] if—

- (a) the member had been entitled to draw a pension on the date the member died;
- (b) the pension the member would have been able to draw on the date the member died had not been subject to any restriction on the age at which it could be drawn, or actuarial adjustment relating to the age at which it was drawn or following a Scheme pays election or any pension debit applied on account of a pension sharing order;
- (c) the pension excluded any additional pension purchased under regulation 16 (additional pension contributions) and any additional pension awarded under regulation 30 (award of additional pension);
- (d) the member's earned pension had accrued at a rate of 1/120th of pensionable pay; [<sup>F46</sup>and]
- (e) the amount of any earned pension credited under regulation 96(1) (effect of acceptance of transfer value) had been multiplied by 49/120; <sup>F47</sup>...

<sup>F48</sup>(f) .....

(11) Additional pension purchased under regulation 16 is not excluded for the purposes of [<sup>F49</sup>paragraphs (4)(c), (5)(c), (9)(c) and (10)(c)] where the member has elected to purchase that additional pension to cover the amount of pension which would otherwise have accrued but for—

- (a) an absence from work with no pensionable pay in consequence of a trade dispute; or
- (b) an absence from work with permission with no pensionable pay, otherwise than because of—
  - (i) illness or injury;
  - (ii) child related leave; or
  - (iii) reserve forces special leave.

(12) At the point at which the number of eligible children is reduced to one, the pension payable to that child is recalculated in accordance with paragraph (9) as from the day following the date the other eligible child's or children's pension ceased to be paid.

(13) If the member ceased to be an active member, became a deferred member and died all within the same Scheme year, the balance in the survivor member's pension account at the end of the Scheme year in which the survivor member's account was opened is adjusted at the beginning of the following Scheme year by the revaluation adjustment applicable to the Scheme year in which the survivor member's account was opened, in accordance with guidance issued by the Scottish Ministers.

(14) Where—

- (a) paragraph (13) applies, the revalued balance calculated under paragraph (13) is the opening balance of the survivor member's pension account for the following Scheme year;
- (b) paragraph (13) does not apply, the balance under paragraph (3) or (8), as the case may be, is the opening balance of the survivor member's pension account for the following Scheme year,

and, thereafter, the balance in the account is adjusted each year by the index rate adjustment from the date that an increase would apply if that balance were a pension in payment to which the Pensions (Increase) Act 1971 applied.

#### Textual Amendments

- F32** Words in reg. 43(4) inserted (1.10.2023) by The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(8)(a)(i)**
- F33** Word in reg. 43(4) inserted (1.10.2023) by The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(8)(a)(ii)**
- F34** Word in reg. 43(4)(e) omitted (1.10.2023) by virtue of The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(8)(a)(iii)**
- F35** Reg. 43(4)(f) omitted (1.10.2023) by virtue of The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(8)(a)(iv)**
- F36** Words in reg. 43(5) inserted (1.10.2023) by The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(8)(b)(i)**
- F37** Words in reg. 43(5)(c) inserted (with effect from 1.6.2018) by The Local Government Pension Scheme (Miscellaneous Amendments) (Scotland) Regulations 2019 (S.S.I. 2019/161), regs. 1(2), **2(20)(a)**
- F38** Word in reg. 43(5) inserted (1.10.2023) by The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(8)(b)(ii)**
- F39** Word in reg. 43(5)(e) omitted (1.10.2023) by virtue of The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(8)(b)(iii)**
- F40** Reg. 43(5)(f) omitted (1.10.2023) by virtue of The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(8)(b)(iv)**
- F41** Words in reg. 43(9) inserted (1.10.2023) by The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(8)(c)(i)**
- F42** Word in reg. 43(9) inserted (1.10.2023) by The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(8)(c)(ii)**

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Local Government Pension Scheme (Scotland) Regulations 2018. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F43** Word in reg. 43(9)(e) omitted (1.10.2023) by virtue of The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(8)(c)(iii)**
- F44** Reg. 43(9)(f) omitted (1.10.2023) by virtue of The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(8)(c)(iv)**
- F45** Words in reg. 43(10) inserted (1.10.2023) by The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(8)(d)(i)**
- F46** Word in reg. 43(10) inserted (1.10.2023) by The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(8)(d)(ii)**
- F47** Word in reg. 43(10)(e) omitted (1.10.2023) by virtue of The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(8)(d)(iii)**
- F48** Reg. 43(10)(f) omitted (1.10.2023) by virtue of The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(8)(d)(iv)**
- F49** Words in reg. 43(11) substituted (with effect from 1.6.2018) by The Local Government Pension Scheme (Miscellaneous Amendments) (Scotland) Regulations 2019 (S.S.I. 2019/161), regs. 1(2), **2(20)(b)**

### Death grants: pensioner members

**44.—(1)** If a pensioner member dies before attaining the age of 75 the appropriate administering authority shall pay a death grant.

(2) The administering authority may, at its absolute discretion, pay the death grant to or for the benefit of the member's nominee, personal representatives or any person appearing to the authority to have been a relative or dependent of the member.

(3) Subject to paragraph (4), the death grant is the amount of 10 times the annual amount the member would have been entitled to receive as retirement pension at the date of death if there had been no commutation under regulation 32 (election for lump sum instead of pension), but the amount so calculated is reduced by the amounts of any such commuted lump sum and any retirement pension paid to the member.

(4) Where any pension paid to a member derived from a pension credit, the death grant is the amount of 10 times the annual amount the member would have been entitled to receive as that pension at the date of death if there had been no commutation under regulation 32 (election for lump sum instead of pension), reduced by the amounts of any such commuted lump sum and any pension paid to the member.

#### Modifications etc. (not altering text)

- C2** Reg. 44 applied (1.10.2023) by The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **7(2)**

### Survivor benefits: partners of pensioner members

**45.—(1)** If a pensioner member (other than a pensioner member where the pension the member was in receipt of was derived from a pension credit) dies leaving a surviving spouse, civil partner or cohabiting partner, that person is entitled to a pension which shall come into payment on the day following the member's death.

(2) The appropriate administering authority shall close the pensioner member's pension account and shall open a survivor member's pension account from the day following the member's death.

(3) The opening balance of the survivor member's pension account is the amount of pension payable to the survivor calculated in accordance with paragraph (4).

(4) The amount of a pension payable under paragraph (3) is calculated by adding together the pension that the member would have been entitled to draw on the date of the member's death if—

- (a) the member's earned pension (including any amount added under regulations 37(1)(a) or 37(2)(a) (enhancement of member's Tier 1 and Tier 2 benefits)) had accrued at a rate of 1/160th of pensionable pay;
- (b) the pension had not been subject to any actuarial adjustment relating either to the age at which it was drawn or following a Scheme pays election;
- (c) there had been no commutation under regulation 32 (election for lump sum instead of pension);
- (d) the pension excluded any additional pension purchased under regulation 16 (additional pension contributions) and any additional pension awarded under regulation 30 (award of additional pension);
- (e) the pension included 49/160 of any additional pension purchased under regulation 17(7)(b) (i) (additional voluntary contributions) which included provision for a survivor's pension; <sup>F50</sup>and]
- (f) the amount of any earned pension credited under regulation 96(1) (effect of acceptance of transfer value) had been multiplied by 49/160; <sup>F51</sup> ...

<sup>F52</sup>(g) .....

(5) Additional pension purchased under regulation 16 is not excluded for the purposes of paragraph (4)(d) where the member has elected to purchase that additional pension to cover the amount of pension which would otherwise have accrued but for—

- (a) an absence from work with no pensionable pay in consequence of a trade dispute; or
- (b) an absence from work with permission with no pensionable pay, otherwise than because of—
  - (i) illness or injury;
  - (ii) child related leave; or
  - (iii) reserve forces special leave.

(6) If the member ceased to be an active member, became a pensioner member and died all within the same Scheme year, the balance in the survivor member's pension account at the end of the Scheme year in which the survivor member's account was opened is adjusted at the beginning of the following Scheme year by the revaluation adjustment applicable to the Scheme year in which the survivor member's account was opened, in accordance with guidance issued by the Scottish Ministers.

(7) Where—

- (a) paragraph (6) applies, the revalued balance calculated under paragraph (6) is the opening balance of the survivor member's pension account for the following Scheme year;
- (b) paragraph (6) does not apply, the balance under paragraph (3) is the opening balance of the survivor member's pension account for the following Scheme year,

and, thereafter, the balance in the account is adjusted each year by the index rate adjustment from the date that an increase would apply if that balance were a pension in payment to which the Pensions (Increase) Act 1971 <sup>M3</sup> applied.

(8) If there is more than one surviving spouse, they become jointly entitled in equal shares under paragraph (1).

<sup>F53</sup>(9) The pension that the member would have been entitled to, for the purpose of calculating the amount of pension payable under paragraph (3), is not to include any final guarantee amount

that has been added to the pension under regulation 4B or 4C of the Transitional Provisions and Savings Regulations 2014.]

#### Textual Amendments

- F50** Word in reg. 45(4) inserted (1.10.2023) by The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(9)(a)(i)**
- F51** Word in reg. 45(4)(f) omitted (1.10.2023) by virtue of The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(9)(a)(ii)**
- F52** Reg. 45(4)(g) omitted (1.10.2023) by virtue of The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(9)(a)(iii)**
- F53** Reg. 45(9) inserted (1.10.2023) by The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(9)(b)**

#### Marginal Citations

- M3** 1971 c.56.

### Survivor benefits: children of pensioner members

**46.—(1)** If a pensioner member (other than a pensioner member where the pension the member was in receipt of was derived from a pension credit) dies leaving one or more eligible children, they are entitled to a children's pension which shall come into payment on the day following the member's death.

(2) If a pension is payable to a partner of a pensioner member under regulation 45(1) (survivor benefits: partners of pensioner members), the appropriate administering authority shall open a survivor member's pension account for the eligible child or children from the day following the member's death.

(3) The opening balance of a survivor member's pension account opened under paragraph (2) is the amount of pension payable to the eligible child or children calculated in accordance with paragraph (4) or (5) but if the pension payable under regulation 45(1) ceases to be paid, the pension payable to the eligible child or children is recalculated in accordance with paragraph (9) or (10) from the day following the date the pension under regulation 45(1) ceased to be paid.

(4) The amount of pension payable under paragraph (3) where there is only one such child is calculated by adding together the pension that the member would have been entitled to draw on the date of the member's death if—

- (a) the member's earned pension (including any amount added under regulations 37(1)(a) or 37(2)(a) (enhancement of member's Tier 1 and Tier 2 benefits)) had accrued at a rate of 1/320th of pensionable pay;
- (b) the amount of any earned pension credited under regulation 96(1) (effect of acceptance of transfer value) had been multiplied by 49/320;
- (c) the member's pension had not been subject to any actuarial adjustment relating to the age at which it was drawn or following a Scheme pays election or any pension debit applied on account of a pension sharing order;
- (d) there had been no commutation under regulation 32 (election for lump sum instead of pension);
- (e) the pension excluded any additional pension purchased under regulation 16 (additional pension contributions) and any additional pension awarded under regulation 30 (award of additional pension); [<sup>F54</sup>and]

- (f) the pension included 49/320 of any additional pension purchased under regulation 17(6)(b)(i) (additional voluntary contributions) which included provision for a survivor's pension;

<sup>F55</sup> ...

<sup>F56</sup>(g) .....

(5) The amount of pension payable under paragraph (3) where there is more than one such child, is payable to those children in equal shares and is calculated by adding together the pension that the member would have been entitled to draw on the date of the member's death if—

- (a) the member's earned pension (including any amount added under regulations 37(1)(a) or 37(2)(a) (enhancement of member's Tier 1 and Tier 2 benefits)) had accrued at a rate of 1/160th of pensionable pay;
- (b) the amount of any earned pension credited under regulation 96(1) (effect of acceptance of transfer value) had been multiplied by 49/160;
- (c) the member's pension had not been subject to any actuarial adjustment relating to the age at which it was drawn or following a Scheme pays election or any pension debit applied on account of a pension sharing order;
- (d) there had been no commutation under regulation 32 (election for lump sum instead of pension);
- (e) the pension excluded any additional pension purchased under regulation 16 (additional pension contributions) and any additional pension awarded under regulation 30 (award of additional pension); [<sup>F57</sup>and]
- (f) the pension included 49/160 of any additional pension purchased under regulation 17(6)(b)(i) (additional voluntary contributions) which included provision for a survivor's pension;

<sup>F58</sup> ...

<sup>F59</sup>(g) .....

(6) At the point at which the number of eligible children is reduced to one, if a pension is still payable to a surviving partner under regulation 45(1), the pension payable to that eligible child is recalculated in accordance with paragraph (4) as from the day following the date the other eligible child's or children's pension ceased to be paid.

(7) If, on the day following the member's death, no pension is payable to a partner of a pensioner member under regulation 45(1), the appropriate administering authority shall close the pensioner member's pension account and shall open a survivor member's pension account for the eligible child or children from the day following the member's death.

(8) The opening balance of a survivor member's pension account opened under paragraph (7) is the amount of pension payable to the eligible child or children, calculated in accordance with paragraph (9) or (10).

(9) The amount of pension payable under paragraph (8) where there is only one such child is calculated by adding together the pension that the member would have been entitled to draw on the date of the member's death if—

- (a) the member's earned pension (including any amount added under regulations 37(1)(a) or 37(2)(a) (enhancement of member's Tier 1 and Tier 2 benefits)) had accrued at a rate of 1/240th of pensionable pay;
- (b) the amount of any earned pension credited under regulation 96(1) (effect of acceptance of transfer value) had been multiplied by 49/240;
- (c) the member's pension had not been subject to any actuarial adjustment relating to the age at which it was drawn or following a Scheme pays election or any pension debit applied on account of a pension sharing order;

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- (d) there had been no commutation under regulation 32 (election for lump sum instead of pension);
- (e) the pension excluded any additional pension purchased under regulation 16 (additional pension contributions) and any additional pension awarded under regulation 30 (award of additional pension); [<sup>F60</sup>and]
- (f) the pension included 49/240 of any additional pension purchased under regulation 17(6)(b) (i) (additional voluntary contributions) which included provision for a survivor's pension;  
F61 ...

<sup>F62</sup>(g) .....

(10) The amount of pension payable under paragraph (8) where there is more than one such child, is payable to those children in equal shares and is calculated by adding together the pension that the member would have been entitled to draw if—

- (a) the member's earned pension (including any amount added under regulations 37(1)(a) or 37(2)(a) (enhancement of member's Tier 1 and Tier 2 benefits)) had accrued at a rate of 1/120th of pensionable pay;
- (b) the amount of any earned pension credited under regulation 96(1) (effect of acceptance of transfer value) had been multiplied by 49/120;
- (c) the member's pension had not been subject to any actuarial adjustment relating to the age at which it was drawn or following a Scheme pays election or any pension debit applied on account of a pension sharing order;
- (d) there had been no commutation under regulation 32 (election for lump sum instead of pension);
- (e) the pension excluded any additional pension purchased under regulation 16 (additional pension contributions) and any additional pension awarded under regulation 30 (award of additional pension); [<sup>F63</sup>and]
- (f) the pension included 49/120 of any additional pension purchased under regulation 17(6)(b) (i) (additional voluntary contributions) which included provision for a survivor's pension;  
F64 ...

<sup>F65</sup>(g) .....

[<sup>F66</sup>(10A) The pension that the member would have been entitled to, for the purpose of calculating the amount of pension payable under paragraphs (3) and (8), is not to include any final guarantee amount that has been added to the pension under regulation 4B or 4C of the Transitional Provisions and Savings Regulations 2014.]

(11) Additional pension purchased under regulation 16 is not excluded for the purposes of paragraphs (4)(e), (5)(e), (9)(e) and (10)(e) where the member has elected to purchase that additional pension to cover the amount of pension which would otherwise have accrued but for—

- (a) an absence from work with no pensionable pay in consequence of a trade dispute; or
- (b) an absence from work with permission with no pensionable pay, otherwise than because of—
  - (i) illness or injury;
  - (ii) child related leave; or
  - (iii) reserve forces special leave.

(12) At the point at which the number of eligible children is reduced to one, the pension payable to that child is recalculated in accordance with paragraph (9) as from the date the other eligible child's or children's pension ceased to be paid.



(13) If the member ceased to be an active member, became a pensioner member and died all within the same Scheme year, the balance in the survivor member's pension account at the end of the Scheme year in which the survivor member's account was opened is adjusted at the beginning of the following Scheme year by the revaluation adjustment applicable to the Scheme year in which the survivor member's account was opened, in accordance with guidance issued by the Scottish Ministers.

(14) Where—

- (a) paragraph (13) applies, the revalued balance calculated under paragraph (13) is the opening balance of the survivor member's pension account for the following Scheme year;
- (b) paragraph (13) does not apply, the balance under paragraph (3) or (8), as the case may be, is the opening balance of the survivor member's pension account for the following Scheme year,

and, thereafter, the balance in the account is adjusted each year by the index rate adjustment from the date that an increase would apply if that balance were a pension in payment to which the Pensions (Increase) Act 1971 <sup>M4</sup> applied.

(15) For the purposes of paragraphs (4)(a), (5)(a), (9)(a) and (10)(a), earned pension also includes any amount awarded under regulations 37(1)(a) or (2)(a).

#### Textual Amendments

- F54** Word in reg. 46(4) inserted (1.10.2023) by The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(10)(a)(i)**
- F55** Word in reg. 46(4)(f) omitted (1.10.2023) by virtue of The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(10)(a)(ii)**
- F56** Reg. 46(4)(g) omitted (1.10.2023) by virtue of The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(10)(a)(iii)**
- F57** Word in reg. 46(5) inserted (1.10.2023) by The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(10)(b)(i)**
- F58** Word in reg. 46(5)(f) omitted (1.10.2023) by virtue of The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(10)(b)(ii)**
- F59** Reg. 46(5)(g) omitted (1.10.2023) by virtue of The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(10)(b)(iii)**
- F60** Word in reg. 46(9) inserted (1.10.2023) by The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(10)(c)(i)**
- F61** Word in reg. 46(9)(f) omitted (1.10.2023) by virtue of The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(10)(c)(ii)**
- F62** Reg. 46(9)(g) omitted (1.10.2023) by virtue of The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(10)(c)(iii)**
- F63** Word in reg. 46(10) inserted (1.10.2023) by The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(10)(d)(i)**
- F64** Word in reg. 46(10)(f) omitted (1.10.2023) by virtue of The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(10)(d)(ii)**
- F65** Reg. 46(10)(g) omitted (1.10.2023) by virtue of The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(10)(d)(iii)**
- F66** Reg. 46(10A) inserted (1.10.2023) by The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/240), regs. 1(2), **3(10)(e)**

#### Marginal Citations

- M4** 1971 c.56.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Local Government Pension Scheme (Scotland) Regulations 2018. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 23(2)(e) inserted by S.S.I. 2024/37 reg. 3(1)(a)(i)
- reg. 23(3A) inserted by S.S.I. 2024/37 reg. 3(1)(b)
- reg. 24(4A)(4B) inserted by S.S.I. 2024/37 reg. 3(2)(a)
- reg. 24(8A) inserted by S.S.I. 2024/37 reg. 3(2)(c)(iv)
- reg. 25(4A) inserted by S.S.I. 2024/37 reg. 3(3)(b)
- reg. 25(7A) inserted by S.S.I. 2024/37 reg. 3(3)(d)(iv)
- reg. 26(4A) inserted by S.S.I. 2024/37 reg. 3(4)(a)
- reg. 26(9) inserted by S.S.I. 2024/37 reg. 3(4)(c)
- reg. 27(7) inserted by S.S.I. 2024/37 reg. 3(5)(b)(iii)
- reg. 39(4)(aa) inserted by S.S.I. 2024/37 reg. 4(1)(a)
- reg. 39(7A) inserted by S.S.I. 2024/37 reg. 4(1)(c)(iv)
- reg. 40(4)(aa) inserted by S.S.I. 2024/37 reg. 4(2)(a)
- reg. 40(5)(aa) inserted by S.S.I. 2024/37 reg. 4(2)(a)
- reg. 40(9)(aa) inserted by S.S.I. 2024/37 reg. 4(2)(a)
- reg. 40(10)(aa) inserted by S.S.I. 2024/37 reg. 4(2)(a)
- reg. 40(15) inserted by S.S.I. 2024/37 reg. 4(2)(c)(iv)
- reg. 41(3B) inserted by S.S.I. 2024/37 reg. 5(1)(a)
- reg. 42(4A) inserted by S.S.I. 2024/37 reg. 6(1)(a)
- reg. 42(7A) inserted by S.S.I. 2024/37 reg. 6(1)(d)
- reg. 43(4A) inserted by S.S.I. 2024/37 reg. 6(2)(a)
- reg. 43(5A) inserted by S.S.I. 2024/37 reg. 6(2)(b)
- reg. 43(9A) inserted by S.S.I. 2024/37 reg. 6(2)(c)
- reg. 43(10A) inserted by S.S.I. 2024/37 reg. 6(2)(d)
- reg. 43(15) inserted by S.S.I. 2024/37 reg. 6(2)(g)
- reg. 44(5) inserted by S.S.I. 2024/37 reg. 7(1)
- reg. 45(4A) inserted by S.S.I. 2024/37 reg. 7(2)(a)
- reg. 45(7A) inserted by S.S.I. 2024/37 reg. 7(2)(d)
- reg. 46(4A) inserted by S.S.I. 2024/37 reg. 7(3)(a)
- reg. 46(5A) inserted by S.S.I. 2024/37 reg. 7(3)(b)
- reg. 46(9A) inserted by S.S.I. 2024/37 reg. 7(3)(c)
- reg. 46(10B) inserted by S.S.I. 2024/37 reg. 7(3)(d)
- reg. 46(14A) inserted by S.S.I. 2024/37 reg. 7(3)(g)
- reg. 61(2C) inserted by S.S.I. 2024/37 reg. 8(2)(b)